

No. 03-1220

[UNPUBLISHED]

Jackson, Head Nurse,
Appellees.

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Submitted: March 4, 2004

Filed: March 9, 2004

Before MELLOY, BOWMAN, and SMITH, Circuit Judges.

PER CURIAM.

David Webb appeals the district court's¹ order dismissing his 42 U.S.C. § 1983 suit with prejudice under Federal Rule of Civil Procedure 41(b). The district court found, after a hearing, that Webb deliberately failed to comply with an order directing him to pay a monetary sanction for failing to appear at a deposition. Although as a general proposition, we are concerned about a district court's use of such a severe sanction in a case of this sort, we find that under the facts of the case the court did not abuse its discretion. See *Rodgers v. Curators of Univ. of Mo.*, 135 F.3d 1216, 1219 (8th Cir. 1998) (standard of review). Accordingly, we affirm.

¹The Honorable Andrew W. Bogue, United States District Judge for the District of South Dakota, adopting the report and recommendations of the Honorable Marshall P. Young, United States Magistrate Judge for the District of South Dakota.